

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In re:	:	
	:	
JAMES LUGO MEDINA,	:	Case No. 02-13080 (GAC)
	:	
Debtor	:	Chapter 13
	:	

DECISION AND ORDER

The matter before the court is a determination of the amount of arrears owed by the debtor to Enriqueta Rodriguez ("Rodriguez") for child support. Rodriguez and ASUME initially claimed the amount of \$100,760.00. On October 31, 2005, the debtor filed an amended motion for reconsideration of the amount of the claim indicating that ASUME had reviewed the payment history and determined that the amount owed was \$16,953.09 (dkt. #91). On November 10, 2005, ASUME filed an amended proof of claim in the amount of \$16,953.09 and it appeared that this matter was resolved.

Nonetheless, on November 18, 2005, ASUME filed a motion opposing the debtor's request for reconsideration of the claim (dkt. #95). In this motion, ASUME indicates that the local court determined that the arrears were \$16,953.09, but that ASUME, notwithstanding having filed the amended claim, does not agree. ASUME indicated that it had filed a motion for reconsideration before the local court and requested that this Court hold the matter in abeyance until the motion was decided. On January 11, 2006, Rodriguez filed an opposition to the motion for

reconsideration (dkt. #98).

On January 23, 2006, this Court entered an order holding the motions in opposition to the debtor's request for reconsideration, in abeyance and directed ASUME and/or Rodriguez to file an informative motion with the Court in thirty days, indicating the status of the local court proceedings (dkt. #99). Rodriguez filed an informative motion in compliance with the order on January 25, 2006 (dkt. #100). In the motion, Rodriguez indicates that the local court has dismissed the matter without prejudice, recognizing that this Court has jurisdiction over the debtor and the creditor with regard to their respective claims. Rodriguez requests that this Court continue proceedings to determine the claims between her and the debtor.

Pursuant to 11 U.S.C. § 362(b)(2)(A)(ii), the determination of the arrears by the local court was not subject to the automatic stay. The local court had jurisdiction and actually determined the amount of the arrears. Apparently dissatisfied with the local court's decision, Rodriguez now seeks to have this Court assume jurisdiction and redetermine the arrears. This Court will not allow the parties to relitigate the local court's determination in this forum.

The local court determined that the debtor owes Rodriguez the amount of \$16,953.09 and ASUME filed proof of claim number seventeen in this amount. Accordingly, this Court will grant the

debtor's motion for reconsideration, allow claim number seventeen and disallow claims eleven and twelve.

ORDER

WHEREFORE IT IS ORDERED that the debtor's amended motion for reconsideration of the amount of Rodriguez's claim (dkt. #91) shall be, and it hereby is, GRANTED. Claim number seventeen is allowed in the amount of \$16,953.09, unless or until Rodriguez or ASUME obtains a determination from the local court that the debt is for another amount. Claims eleven and twelve are disallowed.

SO ORDERED.

San Juan, Puerto Rico, this 24th day of February, 2006.

/s/ Gerardo A. Carlo

GERARDO A. CARLO
Chief, U.S. Bankruptcy Judge